

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**GORDON REIGSTAD
AND KAREN REIGSTAD**

PLAINTIFFS

VERSUS

CIVIL ACTION NO:1:06CV859JMR

**DAVID PILGER, Individually and
as President of Delta Title and
Escrow Company; and DELTA
TITLE and ESCROW COMPANY**

DEFENDANTS

FINAL JUDGMENT

The trial of this matter came on for hearing on February 11 and 12, 2008, before this Court setting without a jury. The parties were present with their respective counsel, Gail and Chester Nicholson for the Plaintiffs, Gordon and Karen Reigstad; and Paul Delcambre for David Pilger, and Delta Title and Escrow Company.

The Court, having heard and considered the testimony, evidence presented, argument of counsel, proposed findings of fact and conclusions of law presented, as well as the pertinent case law, **Finds, Orders, and Adjudicates** as follows:

- (1) This Court has jurisdiction over these parties and the venue is proper.
- (2) That the Plaintiffs, Gordon and Karen Reigstad, have proven their claim of legal malpractice by a preponderance of the evidence against Defendant David Pilger in that David Pilger, as the Reigstads' closing attorney, breached the standard of care and violated his fiduciary duty to the Reigstad in not transmitting material information to them; and not exercising the reasonable care required under the existing circumstances to ensure that insurance coverage would be bound; and in misrepresenting the fact that

insurance was in place when, in fact, it was not, and still allowing the closing to proceed;

(3) The Plaintiffs have also established by a preponderance of the evidence their second cause of action for negligent misrepresentation by David Pilger in that Pilger negligently misrepresented that insurance was in place, the misrepresentation was material, and the Reigstads, who reasonably relied upon Mr. Pilger's representations, suffered harm as a direct and proximate result of his misrepresentation and thus liability is established for negligent misrepresentation;

(4) The Findings of Fact and Conclusions of Law ordered and adjudged by this Court on the 6th day of March, 2008, are adopted herewith and are incorporated as though set forth verbatim herein. The Court finds that damages are proven by the Plaintiffs in the amount of \$159,100.00;

(5) The Court finds that prejudgment interest as pled for by the Plaintiffs should not be awarded, but all taxable costs are awarded to the Plaintiffs;

(6) Judgment is entered for the Plaintiffs against Defendants David Pilger and Delta Title and Escrow Company, in the amount of \$159,100.00 and taxable costs as approved by the Court, for which let execution lie, with post judgment interest to accrue at the rate of 3% per annum.

SO ORDERED this the 4th day of April, 2008.

s/John M. Roper Sr.
UNITED STATES MAGISTRATE JUDGE
JOHN M. ROPER, SR.

Order Prepared by:
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